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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/980,471 | 03/26/2002 | Peter E. R. Mucci | BARK118326 | 3423 |

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EXAMINER

NGUYEN, DANNY

ART UNIT PAPER NUMBER

2836

DATE MAILED: 07/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,471

Applicant(s)

MUCCI ET AL.

Examiner

Danny Nguyen

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6-15 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The corrected specification filed 06/02/2003 is accepted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 2, 6, 7, 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Napoli (USPN 4,392,009).

Regarding to claims 1, 2, 14, 15, Napoli discloses a solar tile assembly (see fig. 1) comprises a removable outer panel (11), that comprises photovoltaic means (12) and a first electric connector (19), and an inner support structure (13 and 16) that comprises a second electric connector (33), the arrangement such that in use an electrical connection between the first electric connector (19) and the second connector (33) is achieved by bringing together the removable outer panel (11) and the inner support structure (13 and 16, see col. 3, lines 6-7).

Regarding to claim 4, Napoli discloses the outer panel (11) comprises the attachment element (26) and the inner support structure (13 and 16) is formed with the channel (13) for receiving and retaining the attachment element of the outer panel.

Regarding to claims 6, 7, Napoli discloses the outer panel (11) is slidably attached to the inner support structure (13 and 16) by attachment means comprises a channel section (13) formed to receive an attachment element (26).

Regarding to claim 9, Napoli discloses the inner support structure (13 and 16) comprises an electrical junction box (30) that comprises the second electric connector (33).

Regarding to claim 10, Napoli discloses the electrical junction box comprises an input terminal and an output terminal to provide communication between the corresponding solar tile assembly (see fig. 2).

Regarding to claim 11, Napoli discloses the outer panel (11) comprises an electrical junction box formed with the first electric connector (19), the arrangement being such that in the assembled state of the solar tile assembly the first connector (19) and the second connector (33) provide electrical communication between the two electrical junction box (see col. 2, lines 32-34).

Regarding to claims 12 and 13, Napoli discloses the inner support structure comprises means (14, 15) for providing electrical connection between the adjacent solar tile assemblies.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Napoli. Napoli does not disclose the solar assembly (11), which is attached to the outer surface of the structure such as building, or independent support structure inside or outside the building. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the system of Napoli in inside or outside of a building since it is light weight and easily-assembled (see col. 1, lines 11-20).

Allowable Subject Matter

4. Claim 16 is allowed.

5. Claims 3- 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 3 recites, inter alia, a solar tile assembly comprising a pair of attachment elements, which are slidably attached to the inner support structure.

The references of record do not teach or suggest the aforementioned limitation, nor would it be obvious to modify those references to include such limitation.

Response to Arguments

6. Applicant's arguments filed 06/02/2003 have been fully considered but they are not persuasive.

Regarding to claims 1, 14 and 15, applicant argued that the panel (11) is not removable outer panel. Examiner does not agree with this argument. In fig. 1, it clearly shows the panel (11) and the end portion (16) are separated parts. In addition, that the

panel (11) shown in fig. 1 is attached to the end portion (16) by the connector 25, so to remove the panel (11), de-attaching the connector (25). Thus, the panel (11) is being removed from the end portion (16). Therefore, the applicant's arguments do not overcome the Napoli reference. The applicant argued that the Napoli reference fails to teach the electrical connection formed between the panel (11) and the function box (30) is achieved by bringing together the panel (11) and the box (30). However, Napoli discloses that the electrical connection formed between the panel (11) and the function box (30) is achieved by bringing together the panel (11) and the connector box (30) by connecting connector (19) and the function box (30) (shown in 1 and see col. 3, lines 11-13). Therefore, the applicant's arguments of claims 1, 14, 15 do not overcome the Napoli reference.

Regarding to claim 16, Examiner agrees with the applicant's arguments that Napoli does not disclose the panel (11) is slid toward to the end portion (10) until the electrical connection is made between the panel (11) and the box connector (30).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (703)-305-5988. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703)-308-3119. The fax phone numbers

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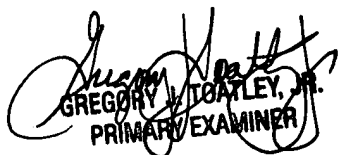
for the organization where this application or proceeding is assigned are (703)-872-9318 for regular communications and (703)-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.

DN

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July 18, 2003


GREGORY L. TOATLEY, JR.
PRIMARY EXAMINER